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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,166	03/24/2004	Gregory J. Singerle JR.	048556/274149	4837
826	7590	12/18/2007		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER RUBIN, BLAKE J	
			ART UNIT 4152	PAPER NUMBER
			MAIL DATE 12/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/808,166

**Applicant(s)**

SINGERLE, GREGORY J.

**Examiner**

BLAKE RUBIN

**Art Unit**

4152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-97 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-97 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on March 24, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-850)  
Paper No(s)/Mail Date 3/24/04, 3/14/05, 3/10/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is in response to communications filed March 24, 2004
2. Claims 1-97 are pending in this application. Claims 1-6, 8-22, 24-30, 32-34, 36-39, 41-57, and 59 are amended, and claims 60-97 are added in an amendment filed February 14, 2006.
3. This application claims priority to provisional application number 60/457,357 filed March 26, 2003.

#### ***Drawings***

4. The drawings are objected to because the drawings are presented out of order. Figure 11 is presented before Figures 9 & 10. Figure 14 is presented before Figure 13.
5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the necessary details in Figure 13 as described in the specification on page 20, line 1. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. The disclosure is objected to because of the following informality: Page 7, line 30 should read, "organization, and authenticator". Appropriate correction is required.

### ***Claims***

8. Claim 45 is objected to because of the following informalities: claim 45 recites, "A system according to Claim 12," whereby it is believed that it meant to recite, "A system according to Claim 44". This assertion is made in light of claim 12 possessing almost identical dependent claims previously recited, as well as following the trend and ordering of earlier and later claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**10. Claims 1-97 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (Pub. No. 2002/0013904).**

11. With respect to claims 1 and 9, Gardner discloses a system for authenticating a client (paragraph [0025], lines 1-7) comprising: an authenticator (paragraph [0025], lines 1-7) capable of sending, to the client, a set of a plurality of labels identifying a plurality of elements of an authentication matrix (paragraph [0026], whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is anticipated by Gardner's "particular character"; note that Gardner's use of the terms "table" and "grid" throughout are, hereinafter, equated to the "matrix", see paragraph [0015], lines 3-7), the authentication matrix including a plurality of elements (paragraph [0026], lines 1-2), each element capable of being identified by a label (paragraph [0027]), wherein the authenticator is capable of receiving a passcode (paragraph [0026], whereby the "passcode" is anticipated by Gardner's VPIN) from the client formulated based upon the elements identified by the received set of labels

(paragraph [0027]), and wherein the authenticator is capable of authenticating the client based upon the formulated passcode (paragraph [0030]).

12. With respect to claim 2, Gardner discloses the system according to claim 1, wherein the authenticator is capable of sending a set of labels, receiving a formulated passcode and authenticating the client a plurality of times, and wherein the authenticator is capable of sending each set of labels such that the sent set of labels differs from each previously sent set of labels (paragraph [0025], lines 1-10).

13. With respect to claim 3, Gardner discloses the system according to claim 1, wherein the authenticator is capable of communicating with a passcode generator, wherein the passcode generator is capable of generating a passcode based upon elements selected from the authentication matrix, wherein the authenticator is capable of sending a set of labels identifying the selected elements, and wherein the authenticator is capable of authenticating the client further based upon the generated passcode (paragraphs [0085-0086]).

14. With respect to claim 4, Gardner discloses the system according to claim 3, wherein the authenticator includes a database capable of storing an authentication matrix, wherein the authenticator is capable of providing an authentication matrix to the client, wherein the passcode generator is capable of generating a passcode based upon elements selected from the authentication matrix stored in the database, and wherein

the authenticator is capable of receiving a passcode formulated based upon elements of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix stored in the database (paragraphs [0045-0048]; Figure 2).

15. With respect to claim 5, Gardner discloses the system according to claim 4, wherein the database of the authenticator is capable of storing a plurality of authentication matrices, each authentication matrix associated with a different client, wherein the authenticator is capable of providing, to the client being authenticated, an authentication matrix associated with the respective client, and wherein the passcode generator is capable of generating a passcode based upon elements selected from the authentication matrix stored in the database and associated with the respective client (paragraph [0038]).

16. With respect to claim 6, Gardner discloses the system according to claim 5, wherein the authenticator is capable of receiving at least one piece of identifying information associated with the client being authenticated, and thereafter identifying, from the plurality of authentication matrices stored in the database, the authentication matrix associated with the client being authenticated based upon the at least one piece of identifying information, and wherein the passcode generator is capable of generating a passcode based upon elements selected from the identified authentication matrix (paragraph [0040]).

17. With respect to claim 7, Gardner discloses the system according to claim 3, wherein the passcode generator is capable of generating a passcode further based upon a personal identification number (PIN) associated with the client, and wherein the authenticator is capable of receiving a passcode formulated further based upon the PIN (paragraph [0027]).

18. With respect to claim 8, Gardner discloses the system according to claim 7, wherein the passcode generator is capable of generating a passcode including elements selected from the authentication matrix and the PIN in a variable position with respect to the selected at least one element, wherein the authenticator is capable of receiving a passcode formulated to include the identified elements and the PIN in the variable position with respect to the identified elements, and wherein the authenticator is capable of authenticating the client by identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

19. With respect to claim 10, Gardner discloses the system according to claim 9, wherein the client is capable of receiving the set of labels and formulating a passcode a plurality of times such that the client is capable of being authenticated a plurality of times, and wherein each set of at least one label received by the client differs from each set of labels previously received by the client (paragraph [0025], lines 1-7).



20. With respect to claim 11, Gardner discloses the system according to claim 9, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix during generation of a passcode, and wherein the client is capable of formulating the passcode such that the client is capable of being authenticated further based upon the generated passcode (paragraphs [0085-0086]).

21. With respect to claim 12, Gardner discloses the system according to claim 11, wherein the client is capable of being provided with an authentication matrix from an authenticator capable of storing an authentication matrix, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix stored by the authenticator, and wherein the client is capable of formulating a passcode based upon elements of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix stored by the authenticator (paragraphs [0045-0048]; Figure 2).

22. With respect to claim 13, Gardner discloses the system according to claim 12, wherein the client is capable of being provided with an authentication matrix associated with the respective client from an authenticator capable of storing a plurality of authentication matrices, each authentication matrix associated with a different client, and wherein the client is capable of receiving a set labels identifying elements selected from the authentication matrix stored by the authenticator and associated with the respective client (paragraph [0038]).

23. With respect to claim 14, Gardner discloses the system according to claim 13, wherein the client is capable of sending the authenticator at least one piece of identifying information associated with the respective client such that the authenticator is capable of identifying, from the plurality of authentication matrices, the authentication matrix associated with the respective client based upon the at least one piece of identifying information, and wherein the client is capable of receiving a set of labels identifying elements selected from the identified authentication matrix (paragraph [0040]).

24. With respect to claim 15, Gardner discloses the system according to claim 11, wherein the client is capable of receiving a set labels identifying elements selected from the authentication matrix during generation of a passcode based upon a personal identification number (PIN) associated with the client, and wherein the client is capable of formulating a passcode further based upon the PIN (paragraph [0027]).

25. With respect to claim 16, Gardner discloses the system according to claim 15, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix during generation of a passcode including elements selected from the authentication matrix and the PIN in a variable position with respect to the selected elements, wherein the client is capable of formulating a passcode including the identified elements and the PIN in the variable position with respect to the identified

elements such that the client is capable of being authenticated by identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

26. With respect to claim 17, Gardner discloses a method of authenticating a client (paragraph [0025], lines 1-7) comprising: receiving a plurality of labels identifying a plurality of elements of an authentication matrix (paragraph [0026], whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is anticipated by Gardner's "particular character"), the authentication matrix including a plurality of elements (paragraph [0026]), lines 1-2), each element capable of being identified by a label (paragraph [0027]); formulating a passcode based upon the elements identified by the received set of labels (paragraph [0027]); and authenticating the client based upon the formulated passcode (paragraph [0030]).

27. With respect to claim 18, Gardner discloses the method according to claim 17, wherein receiving a set labels, formulating a passcode and authenticating the client occur a plurality of times, and wherein each received set of labels differs from each previously received set of labels (paragraph [0025], lines 1-7).

28. With respect to claim 19, Gardner discloses the method according to claim 17 further comprising: generating a passcode based upon elements selected from the

authentication matrix, wherein receiving a set of labels comprises receiving a set of labels identifying the selected elements, and wherein authenticating the client comprises authenticating the client further based upon the generated passcode (paragraphs [0085-0086]).

29. With respect to claim 20, Gardner discloses the method according to claim 19 further comprising: providing an authentication matrix to an authenticator, and providing an authentication matrix to the client, wherein generating a passcode comprises generating a passcode based upon elements selected from the authentication matrix provided to the authenticator, and wherein formulating a passcode comprises formulating a passcode based upon elements of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix provided to the authenticator (paragraphs [0045-0048]; Figure 2).

30. With respect to claim 21, Gardner discloses the method according to claim 20, wherein providing an authentication matrix to an authenticator comprises providing a plurality of authentication matrices to an authenticator, each authentication matrix associated with a different client, wherein providing an authentication matrix to the client comprises providing, to the client being authenticated, an authentication matrix associated with the respective client, and wherein generating a passcode comprises generating a passcode based upon elements selected from the authentication matrix

provided to the authenticator and associated with the respective client (paragraph [0038]).

31. With respect to claim 22, Gardner discloses the method according to claim 21 further comprising: receiving at least one piece of identifying information associated with the client being authenticated; and identifying, from the plurality of authentication matrices, the authentication matrix associated with the client being authenticated based upon the at least one piece of identifying information, wherein generating a passcode comprises generating a passcode based upon elements selected from the identified authentication matrix (paragraph [0040]).

32. With respect to claim 23, Gardner discloses the method according to claim 19, wherein generating a passcode comprises generating a passcode further based upon a personal identification number (PIN) associated with the client, and wherein formulating a passcode comprises formulating a passcode further based upon the PIN (paragraph [0027]).

33. With respect to claim 24, Gardner discloses the method according to claim 23, wherein generating a passcode comprises generating a passcode including elements selected from the authentication matrix and the PIN in a variable position with respect to the selected elements, wherein formulating a passcode comprises formulating a passcode including the identified elements and the PIN in the variable position with

respect to the identified elements, and wherein authenticating the client comprises identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

34. With respect to claim 25, Gardner discloses a computer program product for authenticating a client (paragraph [0024], and paragraphs [0031-0032]), the computer program product comprising at least one computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising: a first executable portion for receiving a plurality of labels identifying a plurality of elements of an authentication matrix (paragraph [0026], whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is anticipated by Gardner's "particular character"), the authentication matrix including a plurality of elements (paragraph [0026], lines 1-2), each element capable of being identified by a label (paragraph [0027]); a second executable portion for formulating a passcode based upon the elements identified by the received set of labels (paragraph [0027]); and a third executable portion for authenticating the client based upon the formulated passcode (paragraph [0030]).

35. With respect to claim 26, Gardner discloses the computer program product according to claim 25, wherein the first, second and third executable portions are adapted to receive a set of labels, formulate a passcode and authenticate the client, respectively, a plurality of times, and wherein each set of labels received by the first

executable portion differs from each set of labels previously received by the first executable portion (paragraph [0025], lines 1-7).

36. With respect to claim 27, Gardner discloses the computer program product according to claim 25 further comprising: a fourth executable portion for generating a passcode based upon elements selected from the authentication matrix, wherein the first executable portion is adapted to receive a set of labels identifying the selected elements, and wherein the third executable portion is adapted to authenticate the client further based upon the generated passcode (paragraphs [0085-0086]).

37. With respect to claim 28, Gardner discloses the computer program product according to claim 27 further comprising: a fifth executable portion for providing an authentication matrix to an authenticator, and providing an authentication matrix to the client, wherein the fourth executable portion is adapted to generate a passcode based upon elements selected from the authentication matrix provided to the authenticator, and wherein the second executable portion is adapted to formulate a passcode based upon at least one element of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix provided to the authenticator (paragraphs [0045-0048]; Figure 2).

38. With respect to claim 29, Gardner discloses the computer program product according to claim 28, wherein the fifth executable portion is adapted to provide a

plurality of authentication matrices to the authenticator, each authentication matrix associated with a different client, wherein the fifth executable portion is also adapted to provide, to the client being authenticated, an authentication matrix associated with the respective client, and wherein the fourth executable portion is adapted to generate a passcode based upon elements selected from the authentication matrix provided to the authenticator and associated with the respective client (paragraph [0038]).

39. With respect to claim 30, Gardner discloses the computer program product according to claim 29 further comprising: a sixth executable portion for receiving at least one piece of identifying information associated with the client being authenticated; and a seventh executable portion for identifying, from the plurality of authentication matrices, the authentication matrix associated with the client being authenticated based upon the at least one piece of identifying information, wherein the fourth executable portion is adapted to generate a passcode based upon elements selected from the identified authentication matrix (paragraph [0040]).

40. With respect to claim 31, Gardner discloses the computer program product according to claim 27, wherein the fourth executable portion is adapted to generate a passcode further based upon a personal identification number (PIN) associated with the client, and wherein the second executable portion is adapted to formulate a passcode further based upon the PIN (paragraph [0027]).



41. With respect to claim 32, Gardner discloses the computer program product according to claim 31, wherein the fourth executable portion is adapted to generate a passcode including elements selected from the authentication matrix and the PIN in a variable position with respect to the selected elements, wherein the second executable portion is adapted to formulate a passcode including the identified elements and the PIN in the variable position with respect to the identified elements, and wherein the third executable portion is adapted to authenticate the client by identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

42. With respect to claim 33, Gardner discloses a system comprising: an entity capable of sending, to a client (paragraph [0025], lines 1-7), a set of a plurality of labels identifying a plurality of elements of a matrix (paragraph [0026], whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is anticipated by Gardner's "particular character"), the matrix including a plurality of elements (paragraph [0026], lines 1-2), each element capable of being identified by a label (paragraph [0027]), and wherein the entity is capable of receiving a response from the client formulated based upon the elements identified by the received set of labels (paragraphs [0085-0086]).

43. With respect to claim 34, Gardner discloses the system according to claim 33, wherein the entity is capable of sending a set of labels, and receiving a formulated

response a plurality of times, and wherein the entity is capable of sending each set of labels such that the sent set of labels differs from each previously sent set of labels (paragraph [0025], lines 1-7).

44. With respect to claim 35, Gardner discloses the system according to claim 33, wherein the entity comprises an authenticator and the matrix comprises an authentication matrix, wherein the authenticator is capable of receiving a response comprising a passcode, and wherein the authenticator is capable of authenticating the client based upon the formulated passcode (paragraph [00086]).

45. With respect to claim 36, Gardner discloses the system according to claim 35, wherein the authenticator is capable of communicating with a passcode generator, wherein the passcode generator is capable of generating a passcode based upon elements selected from the authentication matrix, wherein the authenticator is capable of sending a set of labels identifying the selected elements, and wherein the authenticator is capable of authenticating the client further based upon the generated passcode (paragraphs [0085-0086]).

46. With respect to claim 37, Gardner discloses the system according to claim 36, wherein the authenticator includes a database capable of storing an authentication matrix, wherein the authenticator is capable of providing an authentication matrix to the client, wherein the passcode generator is capable of generating a passcode based upon

elements selected from the authentication matrix stored in the database, and wherein the authenticator is capable of receiving a passcode formulated based upon elements of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix stored in the database (paragraphs [0045-0048]; Figure 2).

47. With respect to claim 38, Gardner discloses the system according to claim 37, wherein the database of the authenticator is capable of storing a plurality of authentication matrices, each authentication matrix associated with a different client, wherein the authenticator is capable of providing, to the client being authenticated, an authentication matrix associated with the respective client, and wherein the passcode generator is capable of generating a passcode based upon elements selected from the authentication matrix stored in the database and associated with the respective client (paragraph [0038]).

48. With respect to claim 39, Gardner discloses the system according to claim 38, wherein the authenticator is capable of receiving at least one piece of identifying information associated with the client being authenticated, and thereafter identifying, from the plurality of authentication matrices stored in the database, the authentication matrix associated with the client being authenticated based upon the at least one piece of identifying information, and wherein the passcode generator is capable of generating

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a passcode based upon elements selected from the identified authentication matrix (paragraph [0040]).

49. With respect to claim 40, Gardner discloses the system according to claim 36, wherein the passcode generator is capable of generating a passcode further based upon a personal identification number (PIN) associated with the client, and wherein the authenticator is capable of receiving a passcode formulated further based upon the PIN (paragraph [0027]).

50. With respect to claim 41, Gardner discloses the system according to claim 40, wherein the passcode generator is capable of generating a passcode including elements selected from the authentication matrix and the PIN in a variable position with respect to the selected elements, wherein the authenticator is capable of receiving a passcode formulated to include the identified elements and the PIN in the variable position with respect to the identified elements, and wherein the authenticator is capable of authenticating the client by identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

51. With respect to claim 42, Gardner discloses a system comprising: a client (paragraph [0025], lines 1-7) capable of receiving a set of a plurality of labels identifying a plurality of elements of a matrix (paragraph [0026], whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is

anticipated by Gardner's "particular character"), the matrix including a plurality of elements (paragraph [0026], lines 1-2), each element capable of being identified by a label (paragraph [0027]), wherein the client is capable of formulating a response based upon the elements identified by the received set of labels (paragraphs [0085-0086]).

52. With respect to claim 43, Gardner discloses the system according to claim 42, wherein the client is capable of receiving the set of labels and formulating a response a plurality of times, and wherein each set of labels received by the client differs from each set of labels previously received by the client (paragraph [0025], lines 1-7).

53. With respect to claim 44, Gardner discloses the system according to claim 42, wherein the client is capable of receiving the set of labels identifying elements of an authentication matrix, and wherein the client is capable of formulating a response comprising a passcode such that the client is capable of being authenticated based upon the formulated passcode (paragraph [00086]).

54. With respect to claim 45, Gardner discloses the system according to claim 42, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix during generation of a passcode, and wherein the client is capable of formulating the passcode such that the client is capable of being authenticated further based upon the generated passcode (paragraphs [0085-0086]).

55. With respect to claim 46, Gardner discloses the system according to claim 45, wherein the client is capable of being provided with an authentication matrix from an authenticator capable of storing an authentication matrix, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix stored by the authenticator, and wherein the client is capable of formulating a passcode based upon elements of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix stored by the authenticator (paragraphs [0045-0048]; Figure 2).

56. With respect to claim 47, Gardner discloses the system according to claim 46, wherein the client is capable of being provided with an authentication matrix associated with the respective client from an authenticator capable of storing a plurality of authentication matrices, each authentication matrix associated with a different client, and wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix stored by the authenticator and associated with the respective client (paragraph [0038]).

57. With respect to claim 48, Gardner discloses the system according to claim 47, wherein the client is capable of sending the authenticator at least one piece of identifying information associated with the respective client such that the authenticator is capable of identifying, from the plurality of authentication matrices, the authentication matrix associated with the respective client based upon the at least one piece of

identifying information, and wherein the client is capable of receiving a set of labels identifying elements selected from the identified authentication matrix (paragraph [0040]).

58. With respect to claim 49, Gardner discloses the system according to claim 45, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix during generation of a passcode based upon a personal identification number (PIN) associated with the client, and wherein the client is capable of formulating a passcode further based upon the PIN (paragraph [0027]).

59. With respect to claim 50, Gardner discloses the system according to claim 49, wherein the client is capable of receiving a set of labels identifying elements selected from the authentication matrix during generation of a passcode including at least one element selected from the authentication matrix and the PIN in a variable position with respect to the selected elements, wherein the client is capable of formulating a passcode including the identified elements and the PIN in the variable position with respect to the identified elements such that the client is capable of being authenticated by identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

60. With respect to claim 51, Gardner discloses a method comprising: receiving a set of a plurality of labels identifying a plurality of elements of a matrix (paragraph [0026],

whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is anticipated by Gardner's "particular character"), the matrix including a plurality of elements (paragraph [0026], lines 1-2), each element capable of being identified by a label (paragraph [0027]); and formulating a response based upon the elements identified by the received set of labels (paragraphs [0085-0086]).

61. With respect to claim 52, Gardner discloses the method according to claim 51, wherein receiving a set of labels and formulating a response occur a plurality of times, and wherein each received set of labels differs from each previously received set of labels (paragraph [0025], lines 1-7).

62. With respect to claim 53, Gardner discloses the method according to claim 51, wherein receiving a set of labels comprises receiving a set of labels identifying elements of an authentication matrix, wherein formulating a response comprises formulating a passcode, and wherein the method further comprises: authenticating the client based upon the formulated passcode (paragraph [000086]).

63. With respect to claim 54, Gardner discloses the method according to claim 53 further comprising: generating a passcode based upon at least one element selected from the authentication matrix, wherein receiving a set of labels comprises receiving a set of labels identifying the selected elements, and wherein authenticating the client



comprises authenticating the client further based upon the generated passcode (paragraphs [0085-0086]).

64. With respect to claim 55, Gardner discloses the method according to claim 54 further comprising: providing an authentication matrix to an authenticator, and providing an authentication matrix to the client, wherein generating a passcode comprises generating a passcode based upon elements selected from the authentication matrix provided to the authenticator, and wherein formulating a passcode comprises formulating a passcode based upon elements of the authentication matrix provided to the client corresponding to the elements selected from the authentication matrix provided to the authenticator (paragraphs [0045-0048]; Figure 2).

65. With respect to claim 56, Gardner discloses the method according to claim 55, wherein providing an authentication matrix to an authenticator comprises providing a plurality of authentication matrices to an authenticator, each authentication matrix associated with a different client, wherein providing an authentication matrix to the client comprises providing, to the client being authenticated, an authentication matrix associated with the respective client, and wherein generating a passcode comprises generating a passcode based upon elements selected from the authentication matrix provided to the authenticator and associated with the respective client (paragraph [0038]).

66. With respect to claim 57, Gardner discloses the method according to claim 56 further comprising: receiving at least one piece of identifying information associated with the client being authenticated; and identifying, from the plurality of authentication matrices, the authentication matrix associated with the client being authenticated based upon the at least one piece of identifying information, wherein generating a passcode comprises generating a passcode based upon elements selected from the identified authentication matrix (paragraph [0040]).

67. With respect to claim 58, Gardner discloses the method according to claim 54, wherein generating a passcode comprises generating a passcode further based upon a personal identification number (PIN) associated with the client, and wherein formulating a passcode comprises formulating a passcode further based upon the PIN (paragraph [0027]).

68. With respect to claim 59, Gardner discloses the method according to claim 58, wherein generating a passcode comprises generating a passcode including elements selected from the authentication matrix and the PIN in a variable position with respect to the selected elements, wherein formulating a passcode comprises formulating a passcode including the identified elements and the PIN in the variable position with respect to the identified elements, and wherein authenticating the client comprises identifying a match between the generated passcode and the formulated passcode (paragraphs [00036], [00070], and [0074]).

69. With respect to claim 60, Gardner discloses the system according to Claim 1, wherein the authenticator is capable of sending a set of labels to the client in response to the client effectuating logging in, logging in including prompting the client for at least one piece of identifying information (paragraph [0041]), and receiving the at least one piece of identifying information from the client, the at least one piece of identifying information comprising a user name and a password (paragraph [0042]) associated with a client user.

70. With respect to claim 61, Gardner discloses the system according to Claim 6, wherein the at least one piece of identifying information received by the authenticator is capable of identifying the client to an organization independent of the authentication matrix associated with the client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

71. With respect to claim 62, Gardner discloses the system according to Claim 9, wherein the client is capable of receiving a set of labels in response to the client effectuating logging in, logging in including the element being prompted for at least one piece of identifying information, and sending the at least one piece of identifying information, the at least one piece of identifying information comprising a user name and a password associated with a client user (paragraphs [0041-0042]).

72. With respect to claim 63, Gardner discloses the system according to Claim 14, wherein the at least one piece of identifying information sent by the client is capable of identifying the client to an organization independent of the authentication matrix associated with the respective client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

73. With respect to claim 64, Gardner discloses the system according to Claim 17, wherein receiving a set of labels comprises receiving a set of labels in response to effectuating logging in, logging in including prompting the client for at least one piece of identifying information, and sending the at least one piece of identifying information, the at least one piece of identifying information comprising a user name and password associated with a client user (paragraphs [0041-0042]).

74. With respect to claim 65, Gardner discloses the method of Claim 22, wherein receiving the at least one piece of identifying information comprises receiving at least one piece of identifying information capable of identifying the client to an organization independent of the authentication matrix associated with the client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

75. With respect to claim 66, Gardner discloses the computer program product according to Claim 25, wherein the first executable portion is adapted to receive a set of

labels in response to effectuating logging in, logging in including prompting the client for at least one piece of identifying information, and sending the at least one piece of identifying information, the at least one piece of identifying information comprising a user name and a password associated with a client user (paragraphs [0041-0042]).

76. With respect to claim 67, Gardner discloses the computer program product according to Claim 30, wherein the at least one piece of identifying information comprises received by the sixth executable portion is capable of identifying the client to an organization independent of the authentication matrix associated with the client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

77. With respect to claim 68, Gardner discloses the system according to Claim 33, wherein sending a set of labels comprises receiving a set of labels in response to effectuating logging in, logging in including prompting the client for at least one piece of identifying information, and receiving the at least one piece of identifying information, the at least one piece of identifying information comprising a user name and password associated with a client user (paragraphs [0041-0042]).

78. With respect to claim 69, Gardner discloses the system according to Claim 39, wherein the at least one piece of identifying information received by the authenticator is capable of identifying the client to an organization independent of the authentication

matrix associated with the client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

79. With respect to claim 70, Gardner discloses the system according to Claim 42, wherein the client is capable of receiving a set of labels in response to effectuating logging in, logging in including prompting the client for at least one piece of identifying information, and sending the at least one piece of identifying information, the at least one piece of identifying information comprising a user name and password associated with a client user (paragraphs [0041-0042]).

80. With respect to claim 71, Gardner discloses the system according to Claim 48, wherein the at least one piece of identifying information sent by the authenticator is capable of identifying the client to an organization independent of the authentication matrix associated with the client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

81. With respect to claim 72, Gardner discloses the method according to Claim 51, wherein receiving a set of labels in response to effectuating logging in, logging in including prompting the client for at least one piece of identifying information, and sending the at least one piece of identifying information, the at least one piece of identifying information comprising a user name and password associated with a client user (paragraphs [0041-0042]).

82. With respect to claim 73, Gardner discloses the system according to Claim 57, wherein receiving the at least one piece of identifying information comprises receiving at least one piece of identifying information capable of identifying the client to an organization independent of the authentication matrix associated with the client (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

83. With respect to claims 74, 82, and 90, Gardner discloses the system, method, and computer program for authenticating a user comprising: an entity capable of prompting a user for at least one piece of identifying information associated with the user, the user being prompted during effectuation of logging in (paragraphs [0041-0042]), wherein the entity is capable of receiving the identifying information in response to prompting the user, wherein the entity receiving the identifying information invokes an authentication procedure, the authentication procedure comprising: selecting a set of labels identifying elements of an authentication matrix, wherein the authentication matrix includes a plurality of elements that are each identified by a label matrix (paragraph [0026], whereby the "label" is anticipated by Gardner's "grid references" in line 4, and the "element of an authentication matrix" is anticipated by Gardner's "particular character"); providing the selected set of labels to the use, the set of selected labels being unknown to the user until the set is provided (paragraph [0073]); receiving a passcode from the user in response to providing the set of labels, the passcode having

been formulated based upon the elements identified by the provided set of labels (paragraphs [0026-0027]); and authenticating the user based upon the received passcode (paragraph [0086]).

84. With respect to claims 75, 83, and 91, Gardner discloses the system according to claims 74, 82, and 90 wherein the entity is capable of prompting the user and receiving the identifying information for each of a plurality of instances of logging in, and wherein the entity receiving of the identifying information for each instance invoked the authentication procedure such that the set of labels provided for the respective instance differs between the set of labels provided for each previous instance (paragraph [0025], lines 1-7).

85. With respect to claims 76, 84, and 92, Gardner discloses the system according to claims 75, 83, and 91 wherein the entity receiving of the identifying information of each instance invokes the authentication procedure such that the received passcode is unique to the respective instances (paragraph [0025], lines 1-7).

86. With respect to claims 77, 85, and 93, Gardner discloses the system according to claims 74, 82, and 90 wherein the entity is capable of receiving at least one piece of identifying information such that the authentication procedure further comprises: identifying, from a plurality of authentication matrices, the authentication matrix associated with the client being authenticated based upon the at least one piece of



identifying information, the selected set of labels identifying elements of the identified authentication matrix (paragraph [101]).

87. With respect to claims 78, 86, and 94, Gardner discloses the system according to claims 77, 85, and 93 wherein the at least one piece of identifying information received by the entity is capable of identifying the client to an organization independent of the authentication matrix (paragraph [0097]; wherein an "organization" is anticipated by a Trusted Third Party acting as an administrator of the prior art system).

88. With respect to claims 79, 87, and 95, Gardner discloses the system according to claims 74, 82, and 90 wherein the entity is capable of receiving at least one piece of identifying information such that the authentication procedure includes receiving a passcode having been formulated further based upon a personal identification number (PIN) associated with the client (paragraph [0027]).

89. With respect to claims 80, 88, and 96, Gardner discloses the system according to claims 79, 87, and 95 wherein the entity is capable of receiving at least one piece of identifying information such that the authentication procedure includes receiving a passcode having been formulated including at least one element selected from the authentication matrix and the PIN in a predefined position with respect to the selected at least one element (paragraph [0070]).

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90. With respect to claims 81, 89, and 97, Gardner discloses the system according to claims 74, 82, and 90 wherein the identifying information received by the entity comprises a user name and password associated with the user (paragraphs [0041-0042]).

91. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Pascal et al Patent No. 6,055,638
- b. Anderson Patent No. 6,980,081
- c. Watts Patent No. 5,712,627
- d. Kaplan Patent No. 6,813,716
- e. French et al. Patent No. 6,496,936

92. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571)270-3802. The examiner can normally be reached on M-R: 7:30-5:00.

93. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

94. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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BJR

12/11/07

/Nabil El-Hady/

Supervisory Patent Examiner, Art Unit 4152